

EXHIBIT B

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

ERIC JACKSON, ALARIC STONE,)
and MICHAEL MARCENELLE,)
on behalf of themselves and all others)
similarly situated,)
) Case No. 23-11038
Plaintiffs,)
v.)
)
ALEJANDRO N. MAYORKAS,)
in his official capacity as)
Secretary of Homeland Security, et al.,)
)
Defendants.)

DECLARATION OF LIEUTENANT MICHAEL MARCENELLE

Pursuant to 28 U.S.C. § 1746, I, Michael Marcenelle, under
penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. On April 24, 2024, my co-plaintiff Eric Jackson informed me that he had been provided with a paper copy of his personnel data records containing CG-3307s regarding the Coast Guard's COVID-19 vaccine requirement.

3. I was unaware whether personnel data records still existed in paper form at my local unit. Instead, I believed that all of my personnel data records were being stored electronically, and have exclusively used the Coast Guard's online records request process, and recently, the online electronic records system to view them.

4. I decided to ask my unit's records technicians whether they had paper personnel data records for me. The technician informed me that they still maintained a paper copy of my records, and that I could inspect it the next day, April 25, in the unit administrative office. I came to discover that my previous unit had mailed a paper copy of my records to my current unit, but I had never been informed of it.

5. On April 25, I inspected the paper copy. In the file, I found each of the CG-3307s I received based on my vaccine status. These include the CG-3307 I received on May 27, 2022, ordering me to receive my first dose of a COVID vaccine and the CG-3307 I received on May 31, 2022, for allegedly violating a lawful order by deciding not to receive a COVID vaccine. The documents in the paper copy are identical to the ones present in the electronic record of appeal at [ROA.414](#) and [ROA.416](#), respectively. I asked for them to be removed.

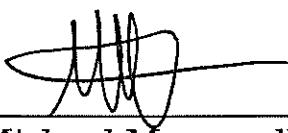
6. These two documents were present in my electronic personnel data records until at least February 4, 2023. These two documents are not in my electronic personnel data records now. They have been replaced by a memorandum titled "CORRECTING MILITARY RECORDS."

7. However, that replacement memorandum was not in the paper copy I inspected.

8. I did not know whether these paper copies of my CG-3307s still existed, and I have no way of knowing how many other copies may exist, either in paper or electronic form.

9. I believe that my commander may have access to the paper personnel data records of members within my unit.

10. I declare under penalty of perjury that the foregoing is true and correct. Executed on April 26, 2024.



Michael Marcenelle